

NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

IN RE: ERIK BRUNETTI,
Appellant

2015-1109

Appeal from the United States Patent and Trademark
Office, Trademark Trial and Appeal Board in No.
85310960.

Before DYK, MOORE, and STOLL, *Circuit Judges*.

PER CURIAM.

ORDER

The parties are directed to file letter briefs explaining how the above appeal should be resolved in light of the Supreme Court's decision in *Matal v. Tam*, No. 15-1293 (June 19, 2017). In particular, the parties should address the Supreme Court's statements that "offensive" speech cannot be denied trademark protection and its application to this case. *See* Alito, J., Slip Op. at 1–2; *id.* at 22–23; Kennedy, J., Slip Op. at 4.

The parties are instructed to file letter briefs limited to 20 double-spaced pages. The government's letter brief is due within 30 days of this order. Mr. Brunetti's letter brief is due within 20 days of the government's filing. The briefing shall be limited to the impact of the Supreme

Court's *Tam* decision on Mr. Brunetti's case, and in particular whether there is any basis for treating immoral and scandalous marks differently than disparaging marks in light of the Supreme Court's unanimous holding that "offensive" trademarks cannot be banned. The parties should not address the other issues discussed in the already-submitted briefs.

FOR THE COURT

June 20, 2017
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court